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JOURNAL

OF THE

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE

TERRITORY OF THE UNITED STATES OF AMERICA, SOUTH OF THE RIVER OHIO;

BEGUN AND HELD

AT KNOXVILLE, THE 29TH DAY OF JUNE, 1795.

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JOURNAL

OF THE

LEGISLATIVE COUNCIL.

MONDAY, June 29th, 1795, being the day appointed for the meeting of the Representatives of the people of the Territory of the United States of America, south of the river Ohio, pursuant to a proclamation of his Excellency William Blount, esquire.

The members of the Legislative Council appeared and took their seats, to wit:

The Honorable Griffith Rutherford, John Sevier, James Winchester, and Parmenas Taylor.

On motion of Mr. Taylor, the following message was sent to his Excellency Governor Blount.

SIR. The Legislative Council are now convened in pursuance of your proclamation calling the General Assembly to meet on this day, and are ready to receive any communications which your Excellency may be pleased to make.

Adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, JUNE 30, 1795.

Met according to adjournment.

Mr. Donelson appeared and took his seat.

A message from the House of Representatives, informing that they are met, and ready to proceed to business.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council are ready to receive any communications you may make. They have appointed Mr. Taylor on the part of the Council, to join such

members of your house as you may appoint as a committee of propositions and grievances; and Mr. Winchester with such members of your house as you may join, to prepare such bills of a public nature as may be necessary to be passed into laws the present session.

Mr. Taylor moved for leave and presented a bill pointing out the method of compelling persons residing in this Territory to give evidence in causes pending in any of the United States, which was read the first time, passed, and sent to the House of Representatives.

Received from the House of Representatives, a bill to repeal an act, intituled, an act to prevent the wilful and malicious killing of slaves, passed at Newbern the 19th day March 1774: endorsed, 'Read the first time and passed.' Which being read, was passed the first time and returned.

A message from the House of Representatives, informing, that they have appointed Messrs. Cocke, Tipton, Doherty and Landers a committee of propositions and grievances: And Messrs. M'Min, Taylor, Cocke, Hardiman, Landers, and Kelly, are appointed for the committee to prepare such bills of a public nature as may be necessary to be passed into laws the present session.

Mr. Donelson presented the petition of James Russel, which was read and refered to the committee of propositions and grievances.

Message from the Governor:

Mr. President and Gentlemen of the Legislative Council, and
Mr. Speaker and Gentlemen of the House of Representatives,

The principal object for which I have called you together at an earlier period, than that to which the General Assembly stood prorogued, is to afford an opportunity to enquire whether it is as I have been taught to believe, the wish of the majority of the people, that this Territory should become a state, when, by taking the enumeration there should prove to be sixty thousand free inhabitants therein, or at such earlier period as Congress shall pass an act for its admission; and if it is, to take such measures as may be proper to effect the desired change of the form of government as early as practicable.

Upon experience it is found, that the fine and double-tax imposed upon non-residents, proprietors of taxable property, who failed to return the same to the justices of the peace, appointed to take the tax list, within the time limited by law, is oppressive and unjust, in as much as the time allowed for returning lists of the said taxable property, had, in many instances, expired, and the non-resident proprietors made liable to a heavy fine and double-tax, before they had information that the law imposing such tax had passed.—Our national character (yet in its infancy, and ought to be carefully nursed) and justice too requires, that relief should, at this session of the General Assembly, be allowed to that description of our fellow-citizens.

Doubts also have arisen upon the tax law, whether it was or was not the intention of the General Assembly to levy a public tax for the year 1794. I have judged that it was not, and have issued commissions for collectors of that tax only for the year 1795.

And should it have come within your knowledge, that there are other parts of the law upon which difference of opinion has arisen, as to the

manner of carrying it into effect, this would be the most proper time to pass an act explanatory of that law.

I presume it cannot but be known to you, that the attempt to raise a fund for the purpose of discharging the cost of cutting and clearing a waggon road from South West Point to the settlements on Cumberland river, by Lottery, will prove abortive: But I am so fully impressed with the many advantages that will result to the public from such a road, that I cannot forbear to recommend to you, Gentlemen, to extend such Legislative aid to that object, as may be in your power, in which you may rely on my hearty concurrence.

As to other objects essential to be taken up this session, none occur to me, but I shall concur with you in such measures as shall be found to promote the general interest and happiness of the people.

Upon the head of Indian affairs, I have the pleasure to inform you, that the prospects of peace between the United States, and all the Indian tribes or nations, are more pleasing than at any other period since the commencement of the war between Great Britain and the United States. I would not, however, in thus expressing myself be understood, that it is my opinion, that no more murders and thefts will be committed by Indians upon the frontier citizens; on the contrary I believe, that while there is a tribe of Indians remaining on this side of the Mississippi, uncircumscribed by the citizens of the United States, that a description of them by the Chiefs, denominated, *bad young men*, will continue, more or less, frequently to commit murders and thefts upon the frontier inhabitants; but against that description of Indians, as well as all others, should an alteration of disposition take place, Congress, at the last session, by the augmentation of the military establishment, have enabled the President to give more effectual protection to the frontier citizens than they have hitherto experienced.

Signed, WILLIAM BLOUNT.

Ordered, that the following message be sent to the House of Representatives:

Mr. Speaker and Gentlemen,

We herewith send you a message which we have this day received from his Excellency Governor Blount, which, as the contents thereof appears to embrace objects of magnitude, we propose that a conference be had between the Council and House of Representatives, at such time and place as you may appoint, to take the same into consideration.

The President laid before the Council a letter signed B. Searcy, praying the emancipation of negro Bob; which was read and refered to the committee of propositions and grievances.

A message from the House of Representatives, informing that they agree to the proposition of a conference of both houses, to meet at half past 11 o'clock A. M. at the court-house.

Sent to the House of Representatives, a message proposing the postponement of the conference of both houses until to-morrow ten o'clock.

Adjourned until to-morrow 10 o'clock.

WEDNESDAY, JULY 1, 1795.

MET according to adjournment.

Mr. Taylor moved for leave and presented a petition from sundry inhabitants of Jefferson county, praying for the alteration of the place for holding courts, &c. which was read and refered to the committee of propositions and grievances.

Mr. Winchester moved for leave and presented a bill appropriating certain monies in the hands of certain commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining lands, within the district of Mero; which was read the first time, passed, and sent to the House of Representatives.

Received from the House of Representatives, a bill pointing out the method of compelling persons residing in this Territory, to give evidence in causes pending in any of the United States; endorsed, read the first time and passed.

Ordered, that this bill be read, which being read the second time was passed and returned.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, JULY 2, 1795.

MET according to adjournment.

Col. Landon Carter, treasurer for the districts of Washington and Hamilton, presented a report of the amount of the sums due from the different collectors and holders of public monies in the respective counties of the said districts, so far as returns have been made for the year 1795.

Received from the House of Representatives, a bill to divide Knox county; And a bill appropriating certain monies in the hands of commissioners, appointed by an act of the General Assembly of North Carolina, passed in the year 1789, intituled, 'An act directing the sale of the Salt Licks and Springs, with the adjoining land, within the district of Mero; each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read the former was passed the first and the latter the second time and returned.

On motion, Messrs. Sevier and Winchester were appointed to take into consideration the most eligible manner of obtaining the sense of the people as to their becoming an independent state, and the necessary measures to be taken thereon: Also, to draw up and present an answer to the address and communication of the Governor at the opening of the session.

Received from the House of Representatives, a bill to establish the town of Dandridge, endorsed, read the first time and passed.

Ordered, that this bill be read; which being read, was passed the first time and returned.

Adjourned until to-morrow 10 o'clock A. M.

FRIDAY, JULY 3, 1795.

Met according to adjournment.

Received from the House of Representatives, a bill pointing out the method of compelling persons residing in this Territory to give evidence, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Received also a bill to divide the county of Washington, endorsed, read the first time and passed. And a bill appropriating certain monies in the hands of certain commissioners, &c. endorsed, read the second time and passed.

Ordered, that these bills be read, which being read, the former was read the first, and the latter the third time amended and returned.

Mr. Sevier moved for leave and presented a bill to establish a college at Salem, in Washington county, which was read the first time, amended and passed.

Received from the House of Representatives, a bill providing for the enumeration of the inhabitants of this Territory; A bill to establish the town of Dandridge, endorsed, read the second time and passed. And a bill to repeal an act, entitled, an act for the relief of persons disabled by wounds, &c. endorsed, read the first time and passed.

Ordered, that these bills be read, which being read, the former was passed the first time and returned, and the two latter on motion rejected.

Received from the House of Representatives, a bill for the establishment of Washington College, endorsed, read the first time and passed; which being read, was passed the second time and returned,

Adjourned until to-morrow 10 o'clock, A. M.

SATURDAY, JULY 4, 1795.

Met according to adjournment.

Mr. Winchester moved for leave and presented a bill to amend and explain an act of the General Assembly, passed at Knoxville, September 1794, intituled, "An act, to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures imposed for the punishment of public offenders, taxes on proceedings in law and equity; on the probate of deeds; on the registering of grants for land; and the issuing marriage and ordinary licences, as directed by the laws of North Carolina, to account for, and pay the same, as lays a tax on marriage licenses;" which was read the first time, passed and sent to the House of Representatives.

On motion, Mr. Winchester was appointed to examine engrossed bills.

Sent to the House of Representatives the following message;

Mr. Speaker and Gentlemen of the House of Representatives,

The Council have appointed on their part Mr. Winchester to act with such gentlemen as you may join as a committee to examine engrossed bills, and present the same to his Excellency the Governor for his assent.

A message from the House of Representatives, informing that they had appointed Mr. M'Min on their part to examine engrossed bills.

Received from the House of Representatives, a bill for establishing Washington College at Salem, &c. endorsed, read the second time, amended and passed.

Ordered, that this bill be read, which being read was amended, passed the third time and returned.

Adjourned until Monday 10 o'clock, A. M.

MONDAY, JULY 6, 1795.

Met according to adjournment.

Received from his Excellency Governor Blount, a message accompanying a petition from the inhabitants of Sevier county, which was read and refered to the committee of propositions and grivances.

Received from the House of Representatives, a bill appointing commissioners for regulating the town of Greeneville in Greene county. A bill to authorize sheriffs to collect their arrearages in the several counties, &c. And a bill to amend an act, intituled, "An act to regulate and ascertain the several officers fees therein contained," each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the first time and returned.

Mr. Taylor moved for leave and presented a bill for appointing commissioners in the county of Jefferson, for the purpose of erecting a court house, prison and stocks, and laying off a town in said county; which was read the first time and passed.

Mr. Sevier moved for leave and presented a bill limiting the time of attendance of grand jurors at each and every superior court of law, which was read the first time and passed.

Received from the House of Representatives, a bill to divide Knox county; and a bill for dividing Washington county, each endorsed, read the second time, amended and passed.

Ordered, that these bills be read, which being read, were passed the second time and returned.

Received also, a bill to amend and explain an act of the General Assembly, passed at Knoxville in September, 1794, intituled, 'An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, imposed for the punishment of public offenders, taxes, &c. &c. as directed by the laws of North Carolina, as lays a tax on marriage licenses;" endorsed read the first time and passed; which was read the second time passed and returned.

Mr. Winchester moved for leave and presented a bill to amend an act passed at Knoxville, September the 30th, 1794, intituled, "An act ascertaining what property in this Territory shall be deemed taxable property, and the method of collecting public taxes," which was read the first time and passed.

Adjourned until to-morrow, 9 o'clock, A.M.

TUESDAY, JULY 7, 1795.

Met according to adjournment.

Mr. Sevier, from the committee appointed to draw up and present an address to his Excellency Governor Blount, in answer to his address and communication of Tuesday last, reported the following, which being read was concurred with.

To his Excellency William Blount, *Esquire, Governor and Commander in Chief in and over the Territory of the United States of America, south of the river Ohio.*

SIR,

THE members of the Legislative Council, and of the House of Representatives, beg leave to express to your Excellency their approbation of the object for which they were principally called together; and feeling convinced that the great body of our constituents, are sensible of the many defects of our present mode of government, and of the great and permanent advantages to be derived from a change and speedy representation in Congress, the General Assembly of this Territory, will, during their present session, endeavour to devise such means as may have a tendency to effect that desirable object, and in doing so, we shall feel happy in meeting with your Excellency's concurrence.

Your Excellency may rest assured, that the tax law will be reviewed, and considered with mature deliberation, and whilst we shall labour to remedy that part of the system which has in its operation appeared to you oppressive and unjust, we shall carefully explain such clause or clauses, upon the true construction and meaning of which doubts have arisen.

We regret, Sir, that the attempt made at our last session to raise a fund for the cutting and clearing a waggon road from South-West-Point to the settlements on Cumberland river, by lottery, has not proved commensurate to the object in view: And while we feel a certainty that the public benefit and convenience will be heightened exceedingly from such a road, we shall strive to extend such legislative aid to that object as the present situation and resources of the Territory may admit of.

To promote the general interest and happiness of the people, will be our first and greatest care; and in this we harbour not a doubt but that we shall meet with your generous assistance.

We rejoice with your Excellency, that the calamities arising from Indian warfare, have now in a great measure ceased to exist upon our exposed frontiers; and so long as a remembrance of past sufferings continues, we shall entertain a grateful sense of your Excellency's unwearied and constant struggles to promote a general peace with the Indian tribes; the good effects of which we now so sensibly experience.

It is to be lamented however, that such is the savage disposition of Indians, and so great their thirst for shedding the blood of white men, that even in times of peace, the lives of our frontier settlers in a greater or less degree insecure; but when this melancholy truth presents itself to our view, we derive great consolation from the pleasing hope, that the federal government will afford us such defensive protection, which as citizens of America, we have a right to expect, and the present flourishing situa-

tion of American resources, and their brilliant armament authorizes us to look for.

We cannot conclude without expressing our approbation of your Excellency's administration, and a sincere wish that the people of this Territory may long experience your generous and patriotic services, in their favour, and for a continuance of your excellency's public, individual and domestic happiness,

JOHN SEVIER, Chr.

Which being read was concurred with.

Received from the House of Representatives the following resolutions:

Resolved, that no petitions nor bills of a private nature will be taken up nor entered upon during the present session of assembly after to-morrow.

Received from the House of Representatives a bill establishing a town in Sullivan county by the name of Blountville; A bill to alter and establish a line between the counties of Jefferson and Sevier, on the south side of French Broad river; And a bill appointing commissioners to erect a court house, &c. in Sevier county; also, a bill to compel clerks of courts, registers and rangers to keep their offices at the court house of their respective counties, each endorsed, "read the first time and passed."

Ordered, that these bills be read, which being read, were passed the first time and returned.

Received from the Council, a bill limiting the time of attendance of grand jurors and constables at the several courts; a bill appointing commissioners in the county of Jefferson, &c. &c.

Also, a bill to amend an act passed at Knoxville, September 30, 1794, intituled "An act ascertaining what property shall be deemed taxable property, &c. each endorsed, read the first time and passed.

Ordered, that these bills be read, which being read were passed the second time and returned.

Received also, a bill to amend and explain an act of the General Assembly, passed at Knoxville, September 1794, intituled "An act to repeal so much of an act, requiring persons holding monies arising from fines and forfeitures, &c. endorsed, read the second time and passed.

Ordered, that this bill be read, which being read the third time was passed and returned.

Received from the House of Representatives, the petition of G. Gillespie, endorsed, read and refered to the committee of propositions and grievances, which was non concurred; and the following message returned.

Mr. Speaker and Gentlemen of the House of Representatives,

The Council do not concur with your proposition in refering the petition of George Gillespie to the committee of propositions and grievances, but propose that a special committee of claims be appointed; and on their part name Mr. Taylor.

Mr. Sevier moved for leave and presented a bill declaring the punishment for feloniously killing any negro, &c. which was read the first time and passed.

Mr. Donelson moved for leave and presented a bill declaring in force an act of the General Assembly of North Carolina, passed at Fayetteville, on the first of November, 1790, entitled, an act empowering the county courts

to direct the secretary of state correct certain patents, &c. which was read the first time & passed.

Received from the House of Representatives, a bill for the division of Sumner county, which was read, and, on motion, laid over till the next assembly.

Mr. Sevier moved for leave and presented a bill to prevent the recovery of money won by horse racing, which was read the first time and passed.

Adjourned until to-morrow 10 o'clock.

WEDNESDAY, JULY 8, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to suspend the operation of an act for the relief of such persons as have been disabled by wounds, &c. which was read the first time and passed.

Received also a bill to appoint commissioners for the regulation of Clarksville, which was read the first time and passed.

And a bill limiting the attendance of grand jurors, which was read the first time and passed.

Received from the House of Representatives, a bill establishing a town in Sullivan county by the name of Blountville; and a bill providing for the enumeration of the inhabitants of this Territory, which were read the second time and passed.

Message from the Governor:

Mr. President and Gentlemen of the Legislative Council: and
Mr. Speaker and Gentlemen of the House of Representatives,

I lay before you copies of several papers respecting the opening of a waggon road from Buncombe court house, in North Carolina, to this Territory, a list of which is subjoined, recommending that important subject to your consideration. WM. BLOUNT.

Sent to the House of Representatives the following message:

Mr. Speaker and Gentlemen of the House of Representatives,

The Council herewith send you a message, which they have this day received from his Excellency Governor Blount, accompanying sundry papers respecting the opening a waggon road from the state of South Carolina to this Territory.

The Council propose appointing a special committee to take into consideration and report on said communications, and on their part have named Messrs. Sevier and Taylor.

Received from the House of Representatives, a bill appointing commissioners to erect a court-house, &c. in the county of Sevier; and a bill appointing commissioners for regulating the town of Greeneville; also a bill to amend an act passed at Knoxville, September the 30th, 1794, intituled, 'An act ascertaining what property in this Territory shall be deemed taxable property, &c. which were read the third time and passed.

Received likewise, a bill to repeal so much of an act, intituled, An act to regulate and ascertain the several officers fees therein contained, passed

at Knoxville, September 29, 1794, as respects the fees of the clerks and masters in equity, and establishing other fees in their stead.

Adjourned until to-morrow 10 o'clock, A. M.

THURSDAY, JULY 9, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to suspend the operation of an act, intituled, 'An act for the relief of such persons as have been disabled by wounds, &c. which was read the third time and passed.

And a bill to appoint commissioners for the regulation of Clarksville, in Tennessee county; which being read, the former was passed the second time and returned, and the latter the third time and ordered to be engrossed.

Also, a bill to alter and establish the line between the counties of Jefferson and Sevier; a bill to divide the county of Washington, which being read were passed and returned.

Received also the following resolution.

Resolved, that George Gillespie, sheriff of Washington county, be allowed one hundred and twenty dollars and fifteen cents, for monies expended and services performed as sheriff in Washington district. Which was read and concurred with.

Adjourned until to-morrow 9 o'clock.

FRIDAY, JULY 10, 1795.

Met according to adjournment.

Received from the House of Representatives, a bill to alter and establish a line between the counties of Jefferson and Sevier,

And a bill to repeal so much of an act, intituled, 'An act to regulate and ascertain the several officers fees,' &c. which being read, the former was passed the third time and ordered to be engrossed, and the latter the second time and returned.

Received from the House of Representatives the following message:

Mr. President and Gentlemen of the Legislative Council,

The House of Representatives propose that the estimates for the General Assembly be made out until the 11th instant, inclusive, with which they request your concurrence.

Adjourned until to-morrow, 9 o'clock, A.M.

SATURDAY, JULY 11, 1795.

MET according to adjournment.

Received from the House of Representatives, a bill to repeal so much of an act, intituled, 'An act to regulate and ascertain the several officers fees therein contained, &c.

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

Received also, a bill to divide the county of Knox, endorsed, 'July 8, taken up and passed the third time.'

Ordered, that this bill be read, which being read the third time was passed and ordered to be engrossed.

Received from the House of Representatives the following resolutions:

Resolved, that Baldwin Harle and William L. Lovely, be allowed twenty dollars for drawing and engrossing eight bills.

Resolved, that it is the sense of this house, that James White, esq. elected at the last session of the General Assembly to represent this Territory, in the Congress of the United States, was elected to represent the Territory in Congress during the existence of the temporary government.—Read and concurred with.

Resolved, that George Roulstone and William Maclin be allowed thirty-five dollars for drawing and engrossing fourteen bills.

Received also a resolution allowing John Stone ten dollars, for the use of his house; each endorsed, read and concurred with.

Resolved, That his Excellency Governor Blount be authorised and directed to appoint three commissioners, to meet the three commissioners appointed by the state of South Carolina, to deliberate and consult on measures for the purpose of cutting and opening a road through the eastern mountains, and report unto our next general assembly the result of their conference; also, the practicability and probable expence of cutting and opening the said road, the nearest and best rout through the mountains—That the Governor, also, be authorised and empowered to draw a sum out of the treasury, not exceeding one hundred dollars, for the purpose of defraying the necessary expences of said commissioners.

Sent for concurrence.

An estimate of the pay of the Legislative Council, their clerks and door-keepers, at a session commencing June 29, 1795, and ending July 11, 1795, allowing two dollars and fifty cents per day for each member and clerk, and two dollars for the door-keepers, and two dollars and fifty cents for every thirty miles riding to and from the assembly, to the members and clerks, also, their ferriages.

	Days,	*Ferries.*	*Miles.*	*Dolls.*	*Cents.*
Griffith Rutherford,	13	4	322	6	033
John Sevier,	13	2	200	49	33
James Winchester,	13	4	312	59	50
Parmenas Taylor,	13	2	102	41	16 1-3
Stockley Donelson,	12	4	130	41	16 1-3
George Roulstone, clk.	13			32	50
Do. for stationary and engrossing,				42	50
William Maclin, clk.	13	6	380	65	28 1-2
Do. for stationary and engrossing,				42	50
C. Shoat, door-keeper,	13	4	420	62	
Thos. Bounds, do.	13		12	27	
John Stone, house-rent,				10	
			Dollars,	533	27 1-6

A message from the Governor.

William Blount, Governor, in and over the Territory of the United States of America, south of the river Ohio,

To the President and Gentlemen of the Legislative Council, and
The Speaker and Gentlemen of the House of Representatives:

The business of this session being completed, the General Assembly is prorogued *sine die.*

Given under my hand and seal, at Knoxville, July 11, 1795.

WILLIAM BLOUNT.

By the Governor,
THOMAS H. WILLIAMS, *Pro Sec'y.*

The business of the session being finished, it was unanimously resolved, that the thanks of the Legislative Council be presented to the Hon. Griffith Rutherford for his attention and able services as President thereof.

Ordered, that the Honorable President sign the Journal of this house, as the proceeding thereof, and that the clerk attest the same.

GRIFFITH RUTHERFORD, P. L. C.

By order—G. ROULSTONE, C. L. C.